



## **PERIODIC REVIEW**

**Murphy's Auto Repair (former name),  
7301 at Greenlake Condominiums  
Facility Site ID#: 29844248**

**7301 5<sup>th</sup> Avenue N.E.,  
Seattle, Washington**

**Northwest Region Office**

**TOXICS CLEANUP PROGRAM**

**March 2010**

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## 1.0 INTRODUCTION

This document is a review by the Washington State Department of Ecology (Ecology) of post-cleanup Site conditions and monitoring data to ensure that human health and the environment are being protected at the former Murphy's Auto Repair (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC).

Cleanup activities at this Site were completed under the Voluntary Cleanup Program (VCP). The cleanup actions resulted in concentrations of petroleum hydrocarbons remaining at the Site which exceed MTCA cleanup levels. The MTCA cleanup levels for soil are established under WAC 173-340-740. The MTCA cleanup levels for groundwater are established under WAC 173-340-720. WAC 173-340-420 (2) requires that Ecology conduct a periodic review of a Site every five years under the following conditions:

- (a) Whenever the department conducts a cleanup action
- (b) Whenever the department approves a cleanup action under an order, agreed order or consent decree
- (c) Or, as resources permit, whenever the department issues a no further action opinion;
- (d) and one of the following conditions exists:
  - 1. Institutional controls or financial assurance are required as part of the cleanup
  - 2. Where the cleanup level is based on a practical quantitation limit
  - 3. Where, in the department's judgment, modifications to the default equations or assumptions using Site-specific information would significantly increase the concentration of hazardous substances remaining at the Site after cleanup or the uncertainty in the ecological evaluation or the reliability of the cleanup action is such that additional review is necessary to assure long-term protection of human health and the environment.

When evaluating whether human health and the environment are being protected, the factors the department shall consider include [WAC 173-340-420(4)]:

- (a) The effectiveness of ongoing or completed cleanup actions, including the effectiveness of engineered controls and institutional controls in limiting exposure to hazardous substances remaining at the Site;
- (b) New scientific information for individual hazardous substances or mixtures present at the Site;
- (c) New applicable state and federal laws for hazardous substances present at the Site;
- (d) Current and projected Site use;
- (e) Availability and practicability of higher preference technologies; and
- (f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

The Department shall publish a notice of all periodic reviews in the Site Register and provide an opportunity for public comment.

## **2.0 SUMMARY OF SITE CONDITIONS**

### **2.1 Site Description and History**

The Site is located at the northwest corner of the intersection of 5th Avenue NE and NE 73rd Street in the Greenlake district in Seattle, Washington. The property is comprised of a trapezoidal-shaped parcel of land covering approximately 7,153 square feet of space. Former improvements included an auto repair building and facilities associated with a former gas station (age unknown). Now there is a condominium building on the property. Petroleum storage tanks included three underground storage tanks (USTs) located on the northern end of the property, two of which had individual capacities on the order of 8,000 gallons and one of which had a capacity of approximately 6,000 gallons, all storing gasoline. Also, three USTs were formerly located along the southern portion of the property, with two of these USTs having individual capacities of 500 gallons formerly storing gasoline. An additional UST having a 1,000 gallon capacity formerly containing waste oil had also been located along the southern portion of the property. The Site is defined on the north by an alley across which is an apartment building. The Site is bordered on the east by 5th Avenue Northeast, across which are several apartment buildings. The Site is bordered on the south by Northeast 73rd Street, across which is commercial/office building. The site is defined on the west by an apartment building.

The Site is situated on a gently rolling elevated plain, the Seattle Drift Plain, which was formed during the last period of continental glaciation that ended approximately 13,500 years ago. Published geologic maps for the site vicinity (Liesch, BA., et al., 1963) suggest that much of the material underlying the subject site is glacial till, a dense heterogenous mixture of silt, sand, and gravel. Typically, the till exhibits relatively low vertical hydraulic conductivity which frequently results in formation of a “perched” water table along its upper contact. The “perched” water table (if present) is frequently seasonal and derives recharge primarily from infiltration of precipitation through more permeable overlying soils. Topographically, the Site has been graded to a level surface, but is located on a southwesterly facing slope approximately 210 feet above sea level. Based upon inference from topography and local drainage patterns, it appears that shallow-seated groundwater (if present) in the vicinity of the subject property may flow in a southwesterly direction. Green Lake lies approximately 1,600 feet southwest of the subject property.

### **2.2 Site Investigations and Sample Results**

RZA AGRA, Inc. (RZA) identified petroleum impacted soils at concentrations above the Model Toxics Control Act (MTCA) Method A cleanup levels in both tank fields. The highest concentration of petroleum impacted soils was located in the south tank field. Total petroleum hydrocarbon (TPH) concentrations of up to 2,200 milligrams per kilogram (mg/kg) in the gasoline range were identified in the south tank field soils at 7 feet below grade. A TPH gasoline concentration of 260 mg/kg was identified at 15 feet below grade, the maximum depth of the tank removal excavation. Minor concentrations of TPH gasoline up to 130 mg/kg were reported in the stockpiled soils of the north tank field. The TPH impacted soils were reused as backfill in the tank excavations. Analysis of sidewall and bottom “confirmation samples obtained from the

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northern tank-hold area by RZA apparently did not contain concentrations of petroleum hydrocarbons in excess of the MTCA cleanup levels. The two gasoline USTs in the southern tank-hold area reportedly appeared to be in "good" condition, with only minor corrosion, while the waste oil UST was in poor condition with many holes. Analysis of "confirmation" samples revealed that soil along the northern and southern sidewalls and beneath the waste oil UST contained gasoline and xylene concentrations in excess of the MTCA Method A cleanup level. These soils were left in-place due to the proximity of the excavation to the structure on the site at that time, concerns regarding risk of potential damage to the adjacent sidewalk if the petroleum impacted soil was removed from the ground, and limitations of the equipment used to excavate the Site. Groundwater was not encountered in either of the tank removal excavations, which were completed to a depth of approximately 15 feet. Since groundwater was not encountered in the depth range explored (approximately 26.5 feet), "perched" groundwater (if present) beneath the Site lies at a greater depth than 26.5 feet.

Geo Group Northwest, Inc. conducted a geotechnical engineering study in October 1993, on the property for the proposed construction of a 4-story apartment building. Two geotechnical borings, GB-1 and GB-2, were drilled in the general tank field areas. Environmental samples obtained from one (GB-2) of the two borings completed on the property were submitted for laboratory analysis in accordance with WTPH-G. No analysis for benzene, toluene, ethylbenzene, and xylenes (BTEX) was performed. The results of those analyses reveal that at boring GB-2 TPH as gasoline concentrations were 5.8 mg/kg at 10 feet below ground surface, 260.0 mg/kg at 15 feet below ground surface, and 3.6 mg/kg at 20 feet below ground surface. Environmental Associates, Inc., conducted a subsurface environmental study in 1996 by drilling a single boring south (down-gradient) of the former south tank field, as documented in their referenced report. Gasoline and BTEX concentrations in soil did not exceed MTCA Method A cleanup levels. Environmental Associates did not investigate groundwater conditions.

The property was purchased by Nesselquist Capital Corporation on May 1, 1997 for the purpose of constructing a four-story condominium building. Gasoline impacted soils were identified in April 1998 in the southeast corner of the project Site during installation of excavation shoring piles. Based on petroleum odor, petroleum impacted soils were noted from the southeast property corner north 40 feet (to Pile No. P21) and east 40 feet (to Pile No. P31). Grab soil samples were collected during the installation of piles numbered P28 and P30 along the south property line. Only gasoline range hydrocarbons were identified based on hydrocarbon identification (HCID) analysis. Prior to site excavation two environmental borings were drilled by Gregory Drilling on April 10, 1998 to investigate the vertical extent of the petroleum impacted soils and potential impact to groundwater. Boring EB-1 was drilled in the area of the former pump island and Boring EB-2 was drilled in the southeast corner of the site. Soils from Boring EB-1 did not exceed MTCA Method A cleanup levels. Soils in Boring EB-2 exceeded MTCA Method A cleanup levels at 7.5 feet, 10 feet, and 12.5 feet. Grab water samples collected from the bottom of the borings identified elevated levels of gasoline range hydrocarbons and BTEX compounds in both borings.

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## 2.3 Cleanup Actions

The majority of the petroleum contaminated soils were removed in April 1998 during Site excavation for the basement parking garage of the apartment/condominium building. The Site was excavated to a depth of approximately 10 feet below the original ground surface, from elevation 218 feet to 208 feet. Deep excavation occurred in footing areas and in the petroleum contaminated areas. Approximately 2,808 tons of petroleum affected soil were exported to TPS Technologies in Tacoma, Washington for thermal treatment and recycling. Approximately 313 tons were sent to Rabanco for landfill disposal.

Additional soil characterization samples were collected after excavating to the rough basement parking garage elevation of 208 feet  $\pm$  (approximately 10 feet below street level) on April 20 and 23, 1998 to evaluate cleanup requirements. Pockets of petroleum impacted soil were identified in the north tank field, south tank field, and in the southeast corner of the Site based on field screening. Additional excavations were performed for the building footings, utilities, and to remove TPH concentrations. Subsequent to the final site excavation, additional soil samples were collected and volatile petroleum hydrocarbons (VPH) and BTEX analyses were performed to determine if the site met the MTCA Method B cleanup criteria. Following excavation below the building subgrade for utilities and foundation footings, and to remove areas of TPH concentrations, seventeen samples were collected to characterize the soils to be left in place below the building. The isolated pockets of the residual TPH concentrations had been excavated to depths of 13 to 14 feet below the original ground surface. The shoring had been designed to accommodate a 10 foot excavation, plus the footing excavations. It was not economically feasible to install additional shoring to allow deeper excavation to chase the stringers of remaining petroleum impacted soil. Ten soil samples were analyzed using the VPH analytical method. Compounds in the BTEX, aliphatic, and aromatic ranges were not detected above the practical quantitation limit in six of the ten VPH tested samples.

A groundwater monitoring/extraction well, MW-1, was installed on April 28, 1998 following initial site excavation. The well was located in the southeast corner of the site, down-gradient of the former pump island, and was incorporated into the design of the new building. A discharge permit was acquired from METRO and an automatic pump controlled by floats was installed and the petroleum affected groundwater was pumped into the sanitary sewer for treatment starting in January 1999. Based on pump data, the water bearing sand was a perched water zone with limited recharge within the glacial till site soils. The groundwater TPH-gasoline and BTEX concentrations initially increased, then decreased, and were below the MTCA Method A Cleanup Levels after August 1999, based on quarterly monitoring. Groundwater is not currently used as a source of drinking water in this urban area.

## 2.4 Cleanup Levels

MTCA Method A cleanup standards were used to set cleanup levels for the Site for both soil and groundwater. Method B calculations were made but they were not used.

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## 2.5 Restrictive Covenant

Based on the Site use, surface cover and cleanup levels, it was determined that the Site was eligible for a 'No Further Action' determination if a Restrictive Covenant was recorded for the property. A Restrictive Covenant was recorded for the Site in 2000 which imposed the following limitations:

Section 1. The Property contains residual TPH-gasoline in the soil which exceeds the Model Toxics Control Act Method A Cleanup Levels at the southern location of the site as shown in Plates 2, 4, and 6 (enclosed). The Owner shall not alter, modify, or remove the existing structures nor conduct any other activity on the Property that may result in the release or exposure to the environment of the residual TPH contaminated soil or groundwater that was contained on site, or create a new exposure pathway without prior written approval from Ecology. Some examples of activities that are prohibited without prior written approval from Ecology include drilling, digging, placement of any objects, or use of any equipment which deforms or stresses the surface beyond its load bearing capability, piercing the surface with a rod, spike, or similar item, bulldozing, or earthwork.

Section 2. No groundwater may be taken from the Property for any use.

Section 3. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 4. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action or create a new exposure pathway is prohibited without prior written approval from Ecology.

Section 5. The Owner of the property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action. The Owner conveying any interest in the property shall notify Ecology of the name, mailing address, and telephone number of the person or persons who acquired the title, easement, lease, or other interest in the Property within fifteen (15) days of the transaction.

Section 6. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

Section 7. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 8. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action, to take samples, to inspect remedial actions conducted at the Property, and to inspect records that are related to the Remedial Action.

Section 9. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property, or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

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This Periodic Review has noted a discrepancy in the parcel number that is described in the recorded covenant. The 7301 5<sup>th</sup> Avenue NE Condominium Association is aware of the problem and attempting to correct it. This discrepancy could result in a “fail” decision if not corrected as it affects the integrity of the remedy. The Restrictive Covenant is available as Appendix 6.4.



## **3.0 PERIODIC REVIEW**

### **3.1 Effectiveness of completed cleanup actions**

The Restrictive Covenant for the Site was recorded and is in place. This Restrictive Covenant prohibits activities that will result in the release of contaminants at the Site without Ecology's approval, and prohibits any use of the property that is inconsistent with the Covenant. This Restrictive Covenant serves to ensure the long term integrity of the remedy. There is, however, a discrepancy with the parcel number that is referenced in the recorded covenant. This discrepancy should be easily corrected, and the Condominium Association is aware of the problem and attempting to correct it. Not correcting the problem could result in a "fail" decision for this Periodic Review because it affects the integrity of the remedy.

Based upon the Site visit conducted on March 17, 2010, the building (remedy) at the Site continues to eliminate exposure to contaminated soils by ingestion and contact. The structure appears in satisfactory condition and no repair, maintenance, or contingency actions have been required. The Site is now operating as residences, with offices on the ground floor. A photo log is available as Appendix 6.5.

Soils with TPH concentrations higher than MTCA cleanup levels are still present at the Site. However, the remedy prevents human exposure to this contamination by ingestion and direct contact with soils. The Restrictive Covenant for the property will ensure that the contamination remaining is contained and controlled.

### **3.2 New scientific information for individual hazardous substances for mixtures present at the Site**

There is no new scientific information for the contaminants related to the Site.

### **3.3 New applicable state and federal laws for hazardous substances present at the Site**

The cleanup at the Site was governed by Chapter 173-340 WAC (1996 ed.). WAC 173-340-702(12) (c) [2001 ed.] provides that,

"A release cleaned up under the cleanup levels determined in (a) or (b) of this subsection shall not be subject to further cleanup action due solely to subsequent amendments to the provision in this chapter on cleanup levels, unless the department determines, on a case-by-case basis, that the previous cleanup action is no longer sufficiently protective of human health and the environment."

Although cleanup levels changed for petroleum hydrocarbon compounds as a result of modifications to MTCA in 2001, contamination remains at the Site above the new MTCA

Method A and B cleanup levels. Even so, the cleanup action is still protective of human health and the environment. A table comparing MTCA cleanup levels from 1991 to 2001 is available below.

<b>Analyte</b>	<b>1991 MTCA Method A Soil Cleanup Level (ppm)</b>	<b>2001 MTCA Method A Soil Cleanup Level (ppm)</b>	<b>1991 MTCA Method A Groundwater Cleanup level (ppb)</b>	<b>2001 MTCA Method A Groundwater Cleanup Level (ppb)</b>
Cadmium	2	2	5	5
Lead	250	250	5	15
TPH	NL	NL	1000	NL
TPH-Gas	100	100/30	NL	1000/800
TPH-Diesel	200	2000	NL	500
TPH-Oil	200	2000	NL	500

NL = None listed

### **3.4 Current and projected Site use**

The Site is currently used for residential and commercial purposes. There have been no changes in current or projected future Site or resource uses.

### **3.5 Availability and practicability of higher preference technologies**

The remedy implemented included containment of hazardous substances, and it continues to be protective of human health and the environment. While higher preference cleanup technologies may be available, they are still not practicable at this Site.

### **3.6 Availability of improved analytical techniques to evaluate compliance with cleanup levels**

The analytical methods used at the time of the remedial action were capable of detection below selected Site cleanup levels. The presence of improved analytical techniques would not affect decisions or recommendations made for the Site.

## **4.0 CONCLUSIONS**

The following conclusions have been made as a result of this periodic review:

- The cleanup actions completed at the Site appear to be protective of human health and the environment.
- Soils cleanup levels have not been met at the standard point of compliance for the Site; however, the cleanup action has been determined to comply with cleanup standards since the long-term integrity of the containment system is ensured, and the requirements for containment technologies are being met.
- The Restrictive Covenant for the property is in place and continues to be effective in protecting public health and the environment from exposure to hazardous substances and protecting the integrity of the cleanup action.

Based on this periodic review, the Department of Ecology has determined that the requirements of the Restrictive Covenant continue to be met, except for a parcel number discrepancy in the recorded covenant. No additional cleanup actions are required by the property owner. It is the property owner's responsibility to continue to inspect the Site to assure that the integrity of the remedy is maintained.

### **4.1 Next Review**

The next review for the Site will be scheduled five years from the date of this periodic review. In the event that additional cleanup actions or institutional controls are required, the next periodic review will be scheduled five years from the completion of those activities.

The parcel number discrepancy in the recorded covenant must be corrected or the final decision of this Periodic Review will be a "fail".

## 5.0 REFERENCES

Underground Storage Tank Removal Report, Murphy's Auto Repair, 7301 5th Avenue N.E., Seattle, Washington, Prepared by RZA Agra, Inc., for Gerald and Norma Murphy, Report No. W8280, dated July, 1992;

Geotechnical Engineering Study, Proposed Four-Story Apartment Building, 7301 Fifth Avenue NE, Seattle, Washington, Prepared by Geo Group Northwest, Inc., for Gerald and Norma Murphy, Report No. G-0374, dated October 11, 1993;

Subsurface Environmental Study, Former Murphy's Auto Repair, 7301 5th Avenue Northeast, Seattle, Washington, Prepared by Environmental Associates, Inc. for Westlake Associates, Inc., Report No 1 JN 6463, dated December 24, 1996;

Sample Analysis and Work Plan, Petroleum Contaminated Soil Cleanup, NCC Condominiums Property, 7301 5th Avenue NE, Seattle, Washington, dated April 9, 1998, by Geo Group Northwest, Inc.;

Independent Remedial Action Report, Greenlake (NCC) Condominiums, 7301 5<sup>th</sup> Avenue NE, Seattle, Washington, dated July 10, 2000, by Geo Group Northwest, Inc.;

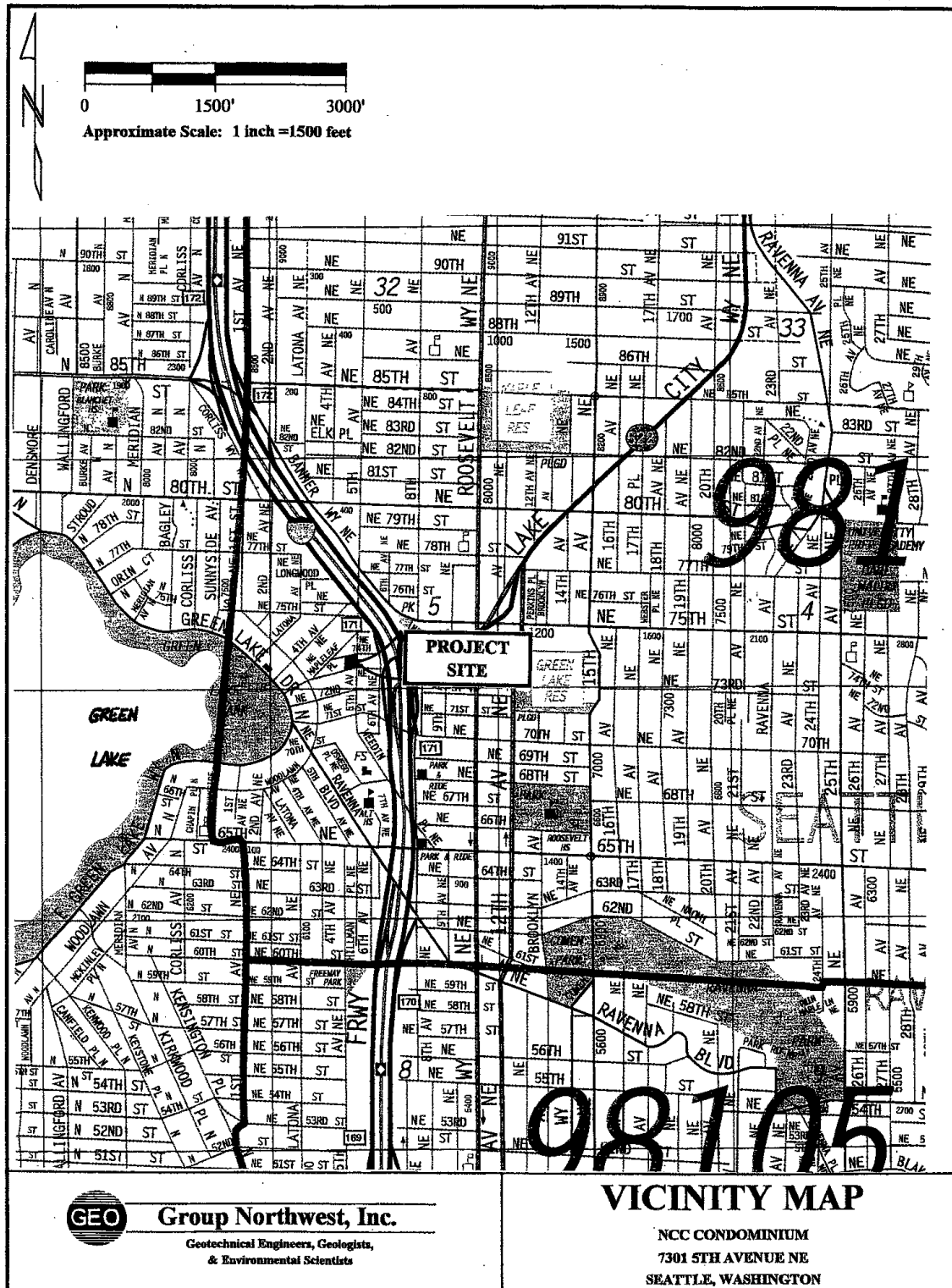
2000 Restrictive Covenant.

Ecology, 2010 Site Visit.

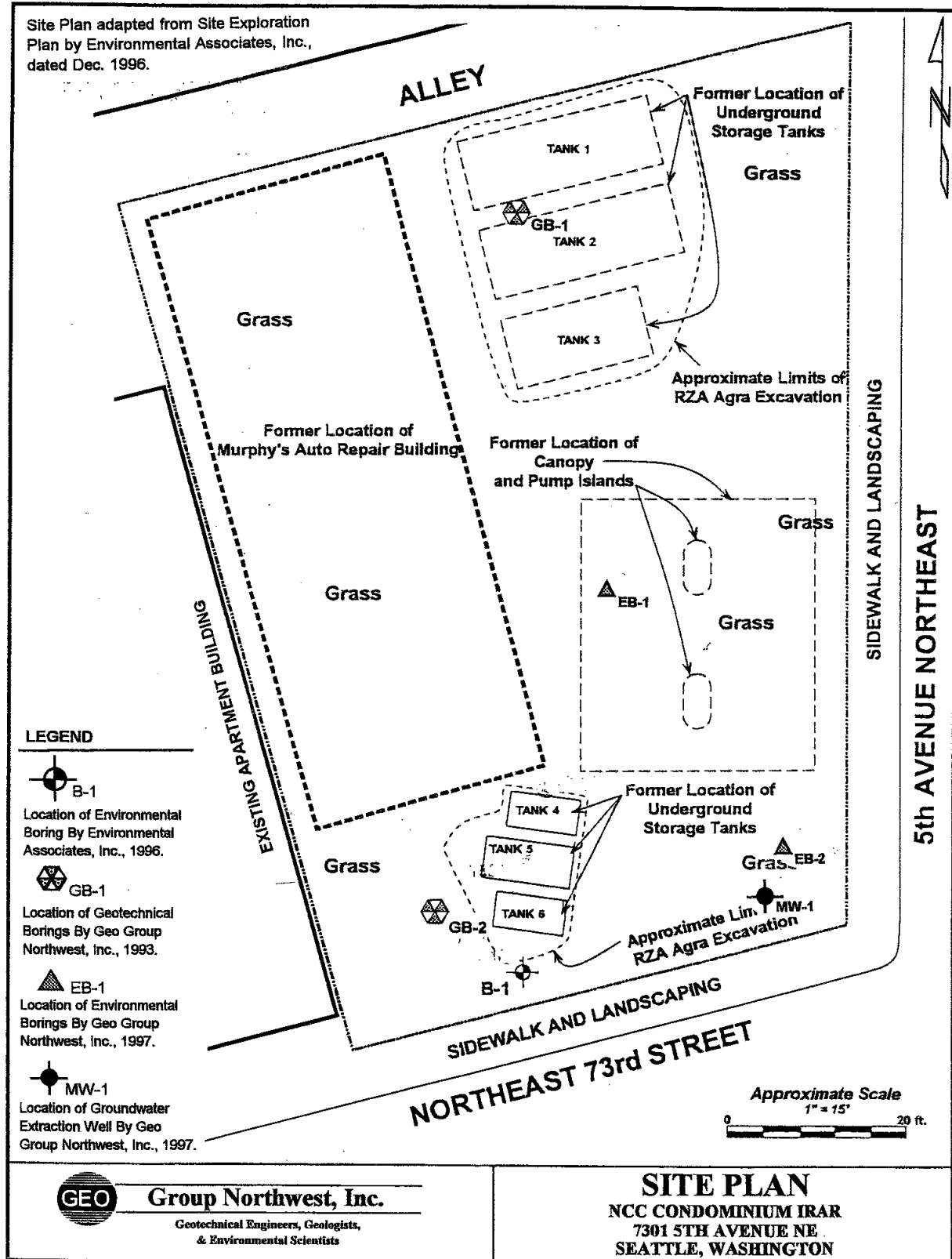
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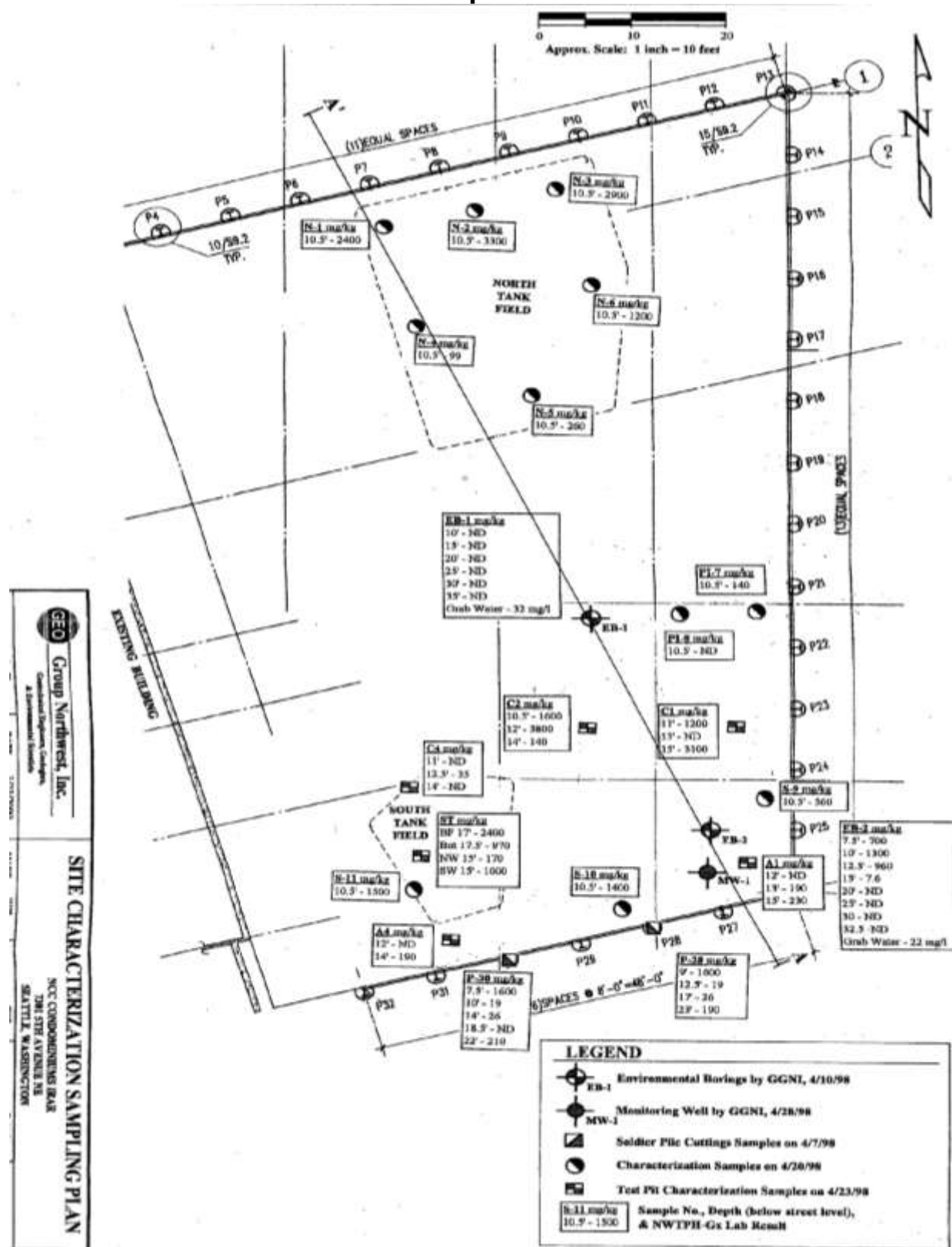
## **6.0 APPENDICES**

## 6.1 Vicinity Map



## 6.2 Site Plan







## 6.4 Environmental Covenant

2000 120 6001265

**AFTER RECORDING MAIL TO**

**20001206001268**  
FIRST AMERICAN COV  
PAGE 001 OF 000  
12/08/2008 13:51  
KING COUNTY, WA

Name KIM NESSELQUIST  
Address 7301 5th Ave. NE, #A  
City/State Seattle, WA 98115

**Document Title(s):** (or transactions contained therein)  
1. Declaration of Covenant  
2.  
3.  
4.

**Reference Number(s) of Documents assigned or released:**  
☐ Additional numbers on page \_\_\_\_\_ of document

**Grantor(s):** (Last name first, then first name and initials)  
1. Greenlake Condominiums LLC  
2.  
3.  
4.  
5. ☐ Additional names on page \_\_\_\_\_ of document

**Grantee(s):** (Last name first, then first name and initials)  
1. Washington State  
2.  
3.  
4.  
5. ☐ Additional names on page \_\_\_\_\_ of document

**Abbreviated Legal Description as follows:** (i.e. lot/block/plat or section/township/range/quarter/quarter)  
All Units of 7301 5th Avenue Condominiums, C156, P11-15  
☐ Complete legal description is on page \_\_\_\_\_ of document

**Assessor's Property Tax Parcel / Account Number(s):**  
769856-0090-06 through 769856-0100-04

WA 1

**NOTE** The auditor/recorder will rely on the information on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

**First American Title Insurance Company**  
**C-1052**  
**1ST AM-S**  
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NO LIABILITY FOR VALIDITY AND / OR  
ACCURACY ASSUMED BY FIRST AMERICAN  
TITLE INSURANCE COMPANY  
(This space for title company use only)

## RESTRICTIVE COVENANT

### GREENLAKE CONDOMINIUMS

Greenlake Condominiums  
7301 5<sup>th</sup> Avenue NE, Seattle WA 98115

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Greenlake Condominiums LLC (Owner) its successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology")

An independent remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Restrictive Covenant. The Remedial Action conducted at the property is described in the following documents, which are on file at Ecology's Northwest Regional Office:

1. Groundwater Test Results, Greenlake Condominiums 7301 5<sup>th</sup> Avenue NE Seattle WA 98115 Project # E-0374-1 by GEO Group NW Inc. of September 13, 2000
2. Independent Remedial Action Report, Greenlake Condominiums 7301 5<sup>th</sup> Avenue NE Seattle WA 98115 Project # E-0374-1 by GEO Group NW Inc. of July 10, 2000
3. Subsurface Environmental Study, Greenlake Condominiums (Former Murphy's Auto Repair), 7301 5<sup>th</sup> Avenue NE Seattle WA 98115 Project # JN 6463 by EAI of December 24, 1996
4. Geotechnical Engineering Study, Proposed Four Story Apartment Building, 7301 5<sup>th</sup> Avenue NE Seattle WA 98115, Project # G-0374 of October 11, 1993 by GEO Group NW Inc.
5. Underground Storage Tank Removal Report, Murphy's Auto Repair, 7301 5<sup>th</sup> Avenue NE Seattle WA 98115, Project # W-8280 of July 1992 by RZA Agra, Inc.

This Restrictive Covenant is required because the Remedial Action resulted leaving residual TPH soil concentrations which exceed the Model Toxics Control Act Method A Cleanup Levels for soils established under WAC 173-340-740.

The undersigned, Greenlake Condominiums LLC, is the fee owner of real property (hereafter "Property") in the County of King, State of Washington, that is subject to this Restrictive Covenant. The Property is legally described as follows: ***(legal description enclosed)***.

Greenlake Condominiums LLC, makes the following declaration as to limitations, restrictions,

and uses to which the Property may be put and specifies that such declarations shall constitute covenants to run with the land, as provided by law and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the Property (hereafter "Owner")

Section 1 The Property contains residual TPH—gasoline in the soil which exceed the Model Toxics Control Act Method A Cleanup Levels at the southern location of the site as shown in Plates 2, 4, and 6 (enclosed). The Owner shall not alter, modify or remove the existing structures nor conduct any other activity on the Property that may result in the release or exposure to the environment of the residual TPH contaminated soil or groundwater that was contained on site, or create a new exposure pathway without prior written approval from Ecology. Some examples of activities that are prohibited without prior written approval from Ecology include drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capability, piercing the surface with a rod, spike or similar item, bulldozing or earthwork.

Section 2 No groundwater may be taken from the Property for any use.

Section 3 Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 4 Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

Section 5 The Owner of the property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation and maintenance of the Remedial Action. The Owner conveying any interest in the property shall notify Ecology of the name, mailing address and telephone number of the person or persons who acquired the title, easement, lease, or other interest in the Property within fifteen (15) days of the transaction.

Section 6 The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

Section 7 The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 8 The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action, to take samples, to

2000 12C 600126S

[DATE SIGNED]

2000 120 6001268

## RESTRICTIVE COVENANT

### GREENLAKE CONDOMINIUMS

Greenlake Condominiums  
7301 5<sup>th</sup> Avenue NE, Seattle WA 98115

This declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f and g), and WAC 173-340-440. Greenlake Condominiums LLC, its successors and assigns, and the Washington State Department of Ecology, its successors and assigns

Legal Description (*enclose*)

ALL UNITS OF 7301 FIFTH AVENUE, A CONDOMINIUM, ACCORDING TO DECLARATION THEREOF RECORDED UNDER KING COUNTY RECORDING NO. 9905141262, AND ANY AMENDMENTS THERETO; SAID UNITS ARE LOCATED ON SURVEY MAP AND PLANS FILED IN VOLUME 156 OF CONDOMINIUMS, AT PAGES 11 THROUGH 15, INCLUSIVE, IN KING COUNTY WASHINGTON

2000 120 6001265

STATE OF WASHINGTON )

)ss

COUNTY OF KING )

2000

On this 28th day of November, ~~xx1999~~, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared KIM

NESSELQUIST

to me known to be the person who signed as managing

member

of Greenlake Condominiums LLC, the corporation that executed

the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that he was duly elected, qualified and action as said officer of the corporation, that he was authorized to execute said instrument and that the seal affixed, if any, is the corporate seal of said corporation

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written

*Paul Keely*

Print Name PAUL KEELY

Notary Public in and for the State of Washington,

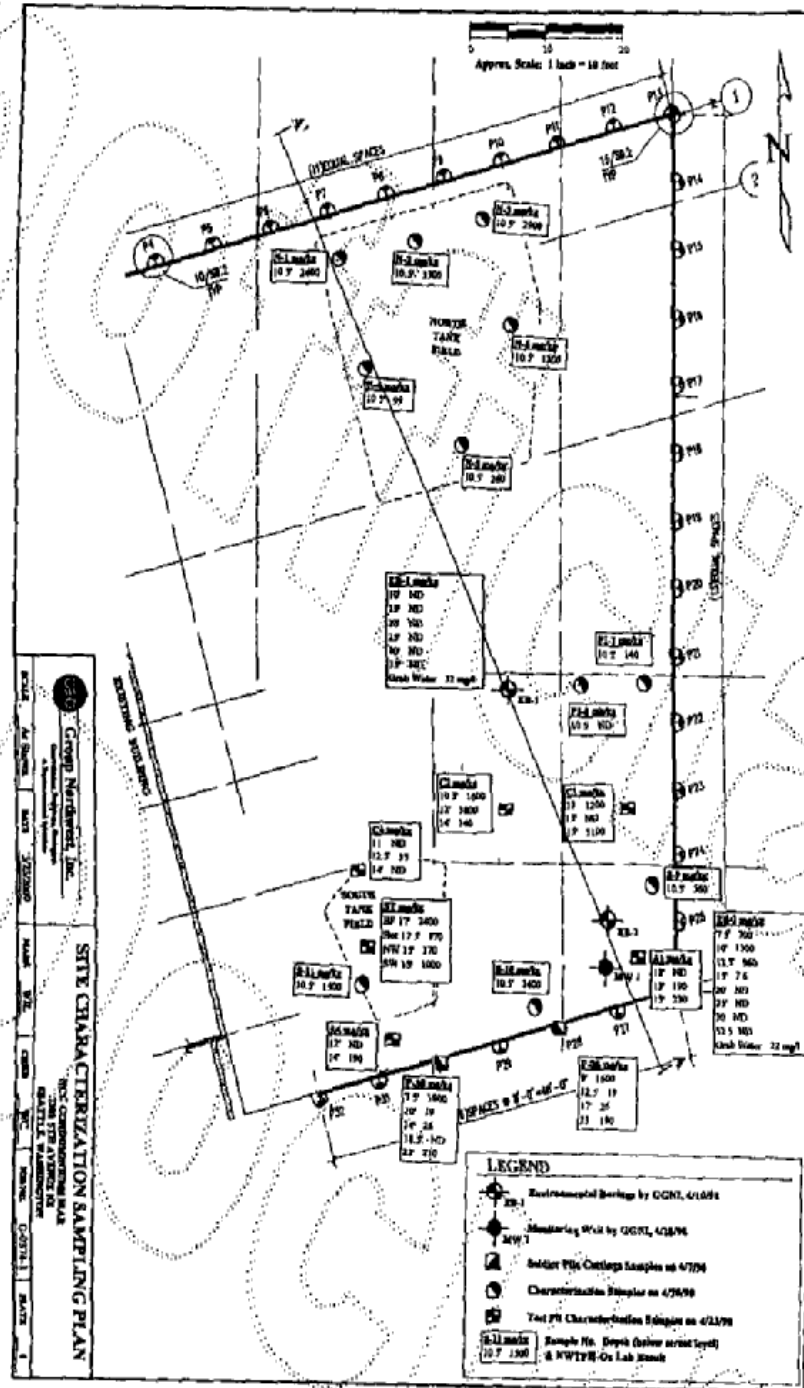
Residing at BELLEVUE

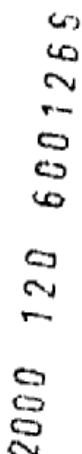
My commission expires 5/6/01



2000 120 6001269

2006 120 500126S









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## 6.5 Photo log

**Photo 1: Condo units, offices on street level - from the east**



**Photo 2: Close-up of address/nameplate on building**



**Photo 3: Northeast corner of the building**



**Photo 4: South Side of the building**

